

**6871. Adulteration of eggs. U. S. \* \* \* v. 15 Cases of Eggs. Default decree of condemnation and forfeiture. Good portion ordered sold. Unfit portion ordered destroyed.** (F. & D. No. 9225. I. S. No. 5507-r. S. No. C-947.)

On July 30, 1918, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 15 cases of eggs at Duluth, Minn., alleging that the article had been shipped on or about July 16, 1918, by A. A. Schauer, Hell, N. Dak., and transported from the State of North Dakota into the State of Minnesota, charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On September 5, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the inedible eggs should be destroyed and the good portion sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**6872. Adulteration of fava beans. U. S. \* \* \* v. 901 Sacks of Fava Beans. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 9226. I. S. No. 2205-r. S. No. W-238.)

On September 3, 1918, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 901 sacks of fava beans, remaining unsold in the original unbroken packages at Los Angeles, Cal., alleging that the article had been shipped on or about August 6, 1918, by the Parodi & Erminio Co., San Francisco, Cal., and was en route from the State of California into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole and in part of a filthy, putrid, and decomposed vegetable and animal substance.

On September 27, 1918, the said Parodi & Erminio Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that the product should be inspected and reshipped under the supervision of a representative of this department, the good portion to be retained by the said claimant, and the unfit portion to be denatured and then returned to said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**6873. Adulteration and misbranding of oil of sweet birch. U. S. \* \* \* v. 20 50-Pound Cans of Oil of Sweet Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond.** (F. & D. No. 9228. I. S. No. 13609-r. S. No. E-1086.)

On August 13, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 20 50-pound cans of oil of sweet birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about August 3, 1918, by E. E. Dickinson & Co., Essex, Conn., and transported from the State of Connecticut into the State of New

York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the product by the Bureau of Chemistry of this department showed that it consisted in part of synthetic methyl salicylate.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, which differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, in that a substance, synthetic methyl salicylate, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oil of sweet birch, which the article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of, and was offered for sale under the name of, another article, and in that the statement, "Oil of Sweet Birch," was false and misleading, and deceived and misled the purchaser.

On October 10, 1918, the said E. E. Dickinson & Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$2250, in conformity with section 10 of the act, conditioned in part that the product should be relabeled under the supervision of a representative of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**6874. Alleged adulteration of milk. U. S. \* \* \* v. Gustave Tetz, Alfred Tetz, and William Tetz, jr. (Tetz Brothers). Tried to the court and a jury. Verdict for the defendant. (F. & D. No. 9230. I. S. No. 16044-p.)**

On December 13, 1918, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gustave Tetz, Alfred Tetz, and William Tetz, jr., trading as Tetz Brothers, Ridgefield, Wash., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about February 20, 1918, from the State of Washington into the State of Oregon, of a quantity of milk which was alleged to have been adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

	<i>Per cent.</i>
Total solids, by drying-----	10.99
Fat, by Roesse Gottlieb-----	2.59
Solids, not fat-----	7.50

This analysis shows that the milk contained added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for milk, which the article purported to be.

On February 1, 1919, the case having come on for trial on a plea of not guilty, which had heretofore been entered, after submission of evidence and argument by counsel, the following charge was delivered to the jury by the court (Cushman, *D. J.*):

Gentlemen, you have had the facts thoroughly gone over before you by the arguments of different counsel, and it is the duty of the court before you go out to consider what verdict should be returned to instruct you upon the law.